BOARD OF SUPERVISORS COUNTY OF STAFFORD STAFFORD, VIRGINIA

MINUTES

Regular Meeting
December 5, 2006

<u>Call to Order.</u> A regular meeting of the Stafford County Board of Supervisors was called to order by Robert C. Gibbons, at 1:03 P. M., Tuesday, December 5, 2006, in the Board Chambers, Stafford County Administration Center.

Roll Call. The following members were present: Peter J. Fields; Robert C. Gibbons, Chairman; Paul V. Milde III; George H. Schwartz; M. S. "Joe" Brito; Jack R. Cavalier, Vice Chairman; and Mark Dudenhefer.

Also in attendance were: Steve Crosby, County Administrator; Joseph L. Howard, County Attorney; and Marty Y. Beard, Chief Deputy Clerk.

Legislative; Presentation of a Resolution by the King George County Board of
Supervisors to All Stafford County Personnel for Providing Valuable Support and
Assistance in Maintaining the Operation f the E-911 System on October 6, 2006. Mr.
Bryan David, King George County Administrator, made a presentation to recognize and commend the Board, Sheriff's Office and the Department of Fire, Rescue and Emergency Services for their support and assistance during a fire on October 6, 2006 in the King George Administration Center.

<u>Presentation by the Public.</u> The following persons spoke on topics as identified:

Fred Rankin

- Revenue bonds for the new hospital in Stafford.

Robert Belman - Amendment to the Land Use Plan.

David Beiler - Amendment to the Land Use Plan.

Patricia Kurpiel - Purchase of Development Rights.

Lou Silver - Board meeting issues.

<u>Report of the Superintendent of Schools.</u> Mr. Andre' Nougaret, Interim Superintendent of Schools, gave a presentation and responded to Board members questions.

<u>Legislative</u>; <u>Presentations and Committee Reports by Board Members.</u> Board members spoke on topics as identified:

Mr. Cavalier - Aquia Creek silt; town hall meeting.

- Attended groundbreaking of Station 2.

- Attended Virginia Association of Counties Annual

Meeting.

- Added an item to the Regular Agenda for discussion

regarding Board Meeting dates in January.

Mr. Dudenhefer - George Washington Regional Commission;

appointed 2nd Vice Chairman.

- Quantico Growth Management Committee Meeting.

- Removed items 3b and 3c from the Consent

Agenda.

Mr. Dudenhefer motioned, seconded by Mr. Schwartz, to request the George Washington Regional Commission review demographics with Quantico personnel.

The Voting Board tally was:

Yea: (7) Milde, Schwartz, Brito, Cavalier, Dudenhefr, Fields, Gibbons

Nay: (0)

<u>Legislative</u>; <u>Presentations and Committee Reports by Board Members continued.</u>

Mr. Fields - Attended Virginia Association of Counties Annual Meeting.

- Mr. Milde Attended Potomac Rappahannock Transportation
 Commission Meeting.
 - Attended Quantico Growth Management Meeting.
 - Attended Comprehensive Steering Committee Land Use Plan Meeting.
 - Attended Comprehensive Plan Input Meetings.
 - Attended Virginia Railway Express Operational Meeting.
 - Attended TRC Meeting.
 - Attended Rappahannock Regional Solid Waste
 Management Board.
 - Attended Purchase of Development Rights Program Meeting.
 - Attended Sheriff's risk management assessment.
 - Attended Fall Days at Andrew Chapel.
 - Attended meeting with state legislatures.
 - Attended meeting with Mary Hospital Hospital Center.
 - Attended Parks and Recreation Meeting.
 - Attended Chaplin Group Home Meeting.
 - Attended Virginia Railway Express Town Hall Meeting.
 - Discussed decals with Treasurer.
 - Attended Aquia Harbour town hall meeting.
 - Ukraine Delegation.

- Attended Fauquier County conservation easement seminar.
- Attended groundbreaking of Fire and Rescue # 2.
- Attended Virginia Department of Transportation town hall meeting on Courthouse Road.
- Regional Jail expansion.
- Animal Friendly Tags for spay/neuter program.
- Post Office in Brooke.
- Aquia Harbour town hall meeting regarding silt in Aquia Creek.
- Silt in Aquia Creek.
- Crow's Nest as National Historic site.

Mr. Schwartz - Comprehensive Plan.

- Fly over at Stafford Regional Airport
- Proposed new high school at airport site.
- Base Realignment and Closure meeting.

Mr. Brito - County audit meeting.

- Historic tax credit seminar.
- Comprehensive plan meetings.
- Farm Bureau dinner.
- School strategic plan meetings.
- Stafford Senior High School function.
- Legislative dinner.
- Groundbreaking of Stafford Fire and Rescue.
- Colonial Forge High School chorus concert.
- Groundbreaking ceremonies at landfill for firing range and methane gas energy program.
- Parenting workshop at Stafford Elementary School.
- Town Hall Meeting.

- Technical Review Committee Meeting for Walmart and Target on Warrenton Road.
- Attended purchase of development rights program meetings.
- Attended IOCP focus group meetings.

Mr. Gibbons

- Queen of England to visit Jamestown in 2007; staff prepare formal invitation.
- Jim Persinger, former Board member, open heart surgery.
- Death of Ralph Marceron, former Board member.
- Recent trip to Japan.
- Thanked staff for quick response for flood at The Gables.
- Added proposed Resolution R06-507 to the Regular Agenda.
- County/Cities authority.
- Requested briefing on HOT lanes next Board meeting.
- Virginia Railway Express; safety and maintenance by CSX.

Mr. Cavalier

Continued

Woodlands Pool new bubble cover.

<u>Legislative</u>; <u>Report of the County Attorney</u>. Mr. Joseph L. Howard, County Attorney, commented on the following:

- Added an item to Closed Meeting; Nageotte vs Board of Supervisors.

Introduced two new employees:
 Robert Haley, Assistant County Attorney
 Cara Marquess, Legal Secretary

<u>Legislative</u>; <u>Report of the County Administrator</u>. Mr. Steve Crosby, County Administrator, commented on the following:

- Treasurer's new lock box system for tax payments.
- Incident Command Center.
- Distinguished Budget Award; 18th year.
- Additions.
 - 25. Proposed R06-522 Legal; Authorize a Public Hearing to Amend and Reordain the County Code, Chapter 4, entitled "Amusements" by adding Article IV entitled "Adult Business" and Section 17-9, entitled "Indecent Exposure".
 - 26. Discuss Nomination of Crow's Nest to the National Trust for Historic Preservation.
 - 27. Discuss siltation in Aquia Creek.
 - 28. Proposed R06-507 Authorize Funding for the Installation of a Traffic Light at the Intersection of Garrisonville Road and Joyce Street; Request Reimbursement from the Potomac and Rappahannock Transportation Commission for These Expenditures; and Authorize the County Administrator to Execute a Memorandum of Agreement with the Virginia Department of Transportation.
 - 29. Discuss Change of Board Meeting dates in January.

- Deletion:

Item 20. Planning; Consider Rezoning 6.0 Acres at 14 Ferry Road for Bill and Stella Kaltsounis.

<u>Legislative</u>; <u>Consent Agenda.</u> Mr. Cavalier motioned, seconded by Mr. Milde, to adopt the Consent Agenda consisting of Items 1 thru 15, omitting items 3b and 3c.

The Voting Board tally was:

Yea: (7) Schwartz, Brito, Cavalier, Dudenhefer, Fields, Gibbons, Milde

Nay: (0)

<u>Item 1. Legislative; Approve Minutes of Board Meeting.</u> Regular Meeting of November 14, 2006.

<u>Item 2. Finance; Approve Expenditure Listings.</u>

Resolution R06-500 reads as follows:

A RESOLUTION TO APPROVE EXPENDITURE LISTING (EL)
DATED NOVEMBER 14, 2006 THROUGH DECEMBER 4, 2006

WHEREAS, the Board has appropriated funds to be expended for the purchase of goods and services in accordance with an approved budget; and

WHEREAS, the payments appearing on the above-referenced Listing of Expenditures represent payment of \$100,000 and greater for the purchase of goods and/or services which are within the appropriated amounts;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 5th day of December, 2006, that the above-mentioned EL be and it hereby is approved.

Item 3a. Legislative; Authorize a Public Hearing to Create a Service District for Hartlake Estates.

Resolution R06-516 reads as follows:

A RESOLUTION TO AUTHORIZE A PUBLIC HEARING TO
CONSIDER A PROPOSED SERVICE DISTRICT FOR HARTLAKE ESTATES
SUBDIVISION

WHEREAS, Hartlake Estates Subdivision located in the Hartwood District of Stafford County contains private streets; and

WHEREAS, the streets within Hartlake Estates Subdivision require certain improvements; and

WHEREAS, over fifty percent (50%) of the owners of the property within Hartlake Estates Subdivision have signed petitions requesting the Board form a service district to impose a tax to pay for street repairs, street maintenance and other necessary community improvements; and

WHEREAS, the Board is required to conduct a public hearing in order to consider an ordinance to establish a service district for Hartlake Estates Subdivision; and

WHEREAS, the Board desires to consider establishing a service district for the Hartlake Estates Subdivision in response to the petitions filed by the owners of property with the Hartlake Estates Subdivision;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 5th day of December, 2006, that the Board be and it hereby does

authorize the County Administrator to advertise a public hearing for the establishment of a service district for Hartlake Estates Subdivision in accordance with the law.

Item 4. Economic Development; Concur with the Inducement Resolution of the Economic Development Authority for Bond Financing for the Rappahannock Area YMCA.

Resolution R06-488 reads as follows:

A RESOLUTION TO SUPPORT THE ISSUANCE OF THE MIDDLESEX COUNTY AUTHORITY REVENUE BONDS IN THE AMOUNT OF \$10,000,000 AND ORANGE COUNTY AUTHORITY REVENUE BONDS IN THE AMOUNT OF \$5,000,000

WHEREAS, the Economic Development Authority of Stafford County, Virginia (the "Authority") has considered the application of Rappahannock Area YMCA, Inc., a Virginia nonstock, nonprofit corporation (the "Applicant"), including a resolution adopted on September 21, 2006 (the "Inducement Resolution"), by the Industrial Development Authority of Middlesex County (the "Issuer"), relating to the issuance of the Issuer's revenue bonds in an amount not to exceed \$10,000,000 and a resolution adopted October 23, 2006 by the Economic Development Authority of Orange County relating to the issuance of the Issuer's revenue bonds in an amount no to exceed \$5,000,000 (the "Bonds") to assist in the financing or refinancing of one or more of the following capital projects (collectively, the "Projects"):

1. New approximately 78,000 square foot family recreation, fitness, community service and educational facility to be located on the south side of Mountain View Road (State Rte. 627) at its intersection with Choptank Road in the County of Stafford, Virginia 22556;

- 2. Expansion of facilities at the Applicant's existing facility located at 212 Butler Road, Falmouth, Virginia 22405, in the County of Stafford, Virginia, including an approximately 13,000 square foot wing for youth and other activities, a new water park and tennis courts;
- 3. New approximately 50,000 square foot family recreation, fitness, community service and educational facility to be located on approximately 20 acres at the intersection of Rte. 1 and Ladysmith Road, next to Ladysmith Elementary School, Ladysmith, Virginia 22546, in the County of Caroline, Virginia.
- 4. New approximately 50,000 square foot family recreation, fitness, community service and educational facility, including swimming pool, to be located on approximately 20 acres at the southeast corner of the intersection of Rte. 3 and Rte. 205, known as Purkins Corner, in the County of King George, Virginia 22485;
- Approximately 30,000 square foot expansion of existing facility located at 5700 Smith Station Road, Spotsylvania, Virginia 22553, in the County of Spotsylvania, Virginia, including a new gymnasium, racquet ball facilities, locker rooms, and classrooms; and
- 6. New machinery, equipment and supplies for each of the foregoing facilities.

WHEREAS, proceeds of the bonds may also be used to pay (i) any additional costs beyond current expectations of the Applicant for any of the foregoing facilities, (ii) the costs of overall project management, engineering, design and other aspects of the foregoing projects, (iii) certain costs of issuance of the bonds. Portions of the total cost of the projects have been previously financed through the issuance of Revenue Bonds by the Economic Development Authority of the City of Fredericksburg. The Projects will be owned by the Applicant and used in the Applicant's business of providing charitable, recreational, fitness, community service and educational services to the general public; and the Authority has held a public hearing thereon July 14, 2006; and

WHEREAS, the Authority has recommended that the Board of Supervisors of Stafford County, Virginia (the "Board"), concur in the Inducement Resolution for the

issuance of the Bonds by the Issuer's to comply with Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Tax Code"), and Section 15.2 – 4906 of the Code of Virginia (1950), as amended (the "Virginia Code"); and

WHEREAS, a copy of the Authority's resolution concurring in the issuance of the Bonds to assist with the financing of the Projects, a copy of the Inducement Resolution, a record of the public hearing, and a "fiscal impact statement" with respect to that portion of the Projects located in Stafford County have been filed with the Board;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 5th day of December, 2006, that it be and hereby does concur in the Inducement Resolution for the issuance of the Bonds by the Issuer's for the benefit of the Applicant, to the extent required by the Tax Code and the Virginia Code, to permit the Issuers to assist in the financing of that portion of the Projects located in Stafford County; and

BE IT FURTHER RESOLVED that Board concurrence in the Inducement Resolution for the issuance of the Bonds, as required by the Tax Code and the Virginia Code, does not constitute an endorsement of the Bonds or the creditworthiness of the Applicant.

Item 5. Economic Development and Legislative Affairs; Consider Endorsing Legislative Priorities Proposed by VACo Region 7- North Central Virginia Localities for the 2007 General Assembly.

Resolution R06-510 reads as follows:

A RESOLUTION TO ENDORSE THE LEGISLATIVE INITIATIVES OF THE VACo REGION 7 – NORTH CENTRAL LOCALITIES FOR THE 2007 GENERAL ASSEMBLY

WHEREAS, the Virginia Association of Counties (VACo) Region 7 and North Central Virginia localities have jointly proposed legislative initiatives for the 2007 General Assembly; and

WHEREAS, the priority initiatives address transportation and the management of growth and its costs, two issues critical to our region; and

WHEREAS, the Board desires to express its support of these issues;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 5th day of December 2006, that it does hereby express its support for the legislative initiatives dated November 16, 2006 proposed by VACo Region 7 – North Central Virginia localities.

<u>Item 6. Public Services; Grant Use of a Portion of Kent Avenue to Construct Driveways</u>

Resolution R06-340(R) reads as follows:

A RESOLUTION GRANTING USE OF A PORTION OF KENT AVENUE PUBLIC RIGHT-OF-WAY TO CONSTRUCT A <u>COMMON</u> DRIVEWAY

WHEREAS, the right-of-way for Kent Avenue was dedicated to public use; and

WHEREAS, the section of Kent Avenue located along Assessor's Parcels 58A-1-51 and 58A-1-53 has not been constructed; and

WHEREAS, the owners of Assessor's Parcels 58A-1-51 and 58A-1-53 request access of 190-feet of public right-of-way fronting said parcels, and 25 50-feet wide for ingress-egress driveways; and

WHEREAS, the Board believes that it is appropriate to provide access to properties in the County that may become land-locked; and

WHEREAS, the owners shall execute an agreement relieving the County of all liability and maintenance associated with the granted access on the public right-of- way;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 5th day of September December 2006, that the owners of Assessor's Parcels 58A-1-51 and 58A-1-53 be and they hereby are given permission to construct and maintain a 190-foot by 25 50-foot ingress-egress driveway adjacent to Assessor's Parcels 58A-1-51 and 58A-1-53 on Kent Avenue.

Item 7. Finance; Reappropriate Funds from FY2006 to FY2007 for School Purchase Orders.

Resolution R06-485 reads as follows:

A RESOLUTION TO REAPPROPRIATE FUNDS FROM FY2006 TO FY2007 FOR SCHOOL PURCHASE ORDERS

WHEREAS, the Code of Virginia stipulates that appropriations be approved for a maximum of one fiscal year only and that appropriations expire or lapse at the end of a fiscal year; and

WHEREAS, the Schools have executed orders and contracts for the purchase of goods and services that were not received by June 30, 2006, and for which funding was provided in the prior fiscal year;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 5th day of December, 2006, that the amounts for outstanding

School encumbrances as of June 30, 2006, be and they hereby are appropriated to Fiscal Year 2007 as follows:

Schools Operating Fund	\$ 6,255,249
Schools Nutrition Services Fund	\$ 17,872
School Construction Fund	\$ 23,646,443
School Fleet Services Fund	\$ 144,050
Total	\$ 30,063,614

Item 8a. Administration; Recognize and Commend Kathleen M. Beck and FREDericksburg Regional Transit for their Assistance During the Discovery Days Festival.

Proclamation P06-37 reads as follows:

A PROCLAMATION TO RECOGNIZE AND COMMEND
KATHLEEN M. BECK AND FREDERICKSBURG REGIONAL
TRANSIT FOR THEIR ASSISTANCE DURING THE DISCOVERY
DAYS FESTIVAL

WHEREAS, FREDericksburg Regional Transit (FRED) is one of the premier mass transit systems in the region, offering efficient and reliable bus service in the City of Fredericksburg and the Counties of Stafford, Spotsylvania, Caroline and King George; and

WHEREAS, FRED Transit Manager Kathleen M. Beck, supervisors and bus drivers worked for months with County staff to coordinate logistics and devise a strategy to provide critical transportation services during Stafford's *Discovery Days Festival – River Exploration* held at Aquia Landing on August 19 and 20, 2006; and

WHEREAS, twenty-four of FRED's highly skilled and award-winning drivers made in excess of 480 round trips between numerous remote parking sites and the festival venue; and

WHEREAS, FRED provided courteous, safe service to more than 5,180 visitors among the 9,000 people who attended the festival; and

WHEREAS, FRED's participation ensured that the number of personal vehicles on Stafford's roads during the event was kept to a minimum, thereby making certain that the festival site and surrounding neighborhoods remained accessible to local traffic and emergency vehicles; and

WHEREAS, the Board desires to bring to the attention of citizens everywhere the community spirit and professionalism with which FRED assisted Stafford, its citizens and visitors during this historic and unique event;

NOW, THEREFORE, BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the 5th day of December, 2006, that FREDericksburg Regional Transit and Transit Manager Kathleen M. Beck and her staff be and they hereby are commended for their assistance during the *Discovery Days Festival – River Exploration* event.

<u>Item 8b. Administration; Declare the Week of January 22-26, 2007, as Customer Service</u>

<u>Awareness Week</u>

Proclamation P06-38 reads as follows:

A PROCLAMATION TO DECLARE THE WEEK OF JANUARY 22 – 26, 2007, AS CUSTOMER SERVICE AWARENESS WEEK

WHEREAS, County employees are called upon to serve citizens through a variety of functions each day, responding to countless questions, explaining processes from permits to tax payments, and educating residents about the many services available; and

WHEREAS, providing efficient, pleasant and informed assistance to customers demands continued training, diligence, resourcefulness and positive attitudes from public servants; and

WHEREAS, County employees must interact effectively with people from all walks of life, many of whom are unfamiliar with the wide scope of services the County offers, and who may be confused about processes and procedural details; and

WHEREAS, County employees must consistently strive to provide cheerful, accurate and timely assistance to citizens, and be willing to go the extra mile to acquire information from a variety of resources including colleagues and state and federal agencies; and

WHEREAS, the Board desires to call to the attention of citizens everywhere the hard work and dedication that are the hallmarks of County employees who strive to make Stafford the best local government in Virginia;

NOW, THEREFORE, BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the 5th day of December, 2006, that the week of January 22 – 26, 2007, be and it hereby is declared Customer Service Awareness Week.

Item 9. Fire and Rescue; Accept the Rappahannock Region Emergency Management Committee All Hazards/All Discipline Mutual Assistance Agreement.

Resolution R06-503 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
TO ACCEPT THE RAPPAHANNOCK REGIONAL EMERGENCY
MANAGEMENT COMMITTEE ALL HAZARDS/ALL DISCIPLINE
MUTUAL ASSISTANCE AGREEMENT

WHEREAS, it is the desire of the County to enter into an agreement for mutual assistance with other localities; and

WHEREAS, the purpose of this agreement is to provide for mutual assistance between participating jurisdictions in managing or providing operational support in any emergency or disaster; and

WHEREAS, this agreement would also provide for mutual cooperation in emergency related exercises, testing, and other training activities using equipment and personnel simulating performance of any aspect of the giving and receiving of assistance by the participating jurisdictions;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 5th day of December, 2006, that the County Administrator be and he hereby is authorized to enter into a mutual assistance agreement with the counties of Caroline, King George, and Spotsylvania, and the city of Fredericksburg.

<u>Item 10. Parks and Recreation; Amend the Agreement to Operate the Youth Soccer Program.</u>

Resolution R06-515 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
TO AMEND AN AGREEMENT TO OPERATE THE YOUTH SOCCER
PROGRAM

WHEREAS, the Stafford Recreational Soccer League, Inc., is currently operating the youth soccer program in the County; and

WHEREAS, the Stafford Recreational Soccer League, Inc., has operated the program successfully; and

WHEREAS, the Stafford Recreational Soccer League has merged with the Stafford Soccer Club and created a new organization, the Stafford Area Soccer Association (SASA), which includes Recreational, Classic, and Travel Divisions; and

WHERAS, the Board has determined that it would be in the best interest of the citizens to permit the Stafford Area Soccer Association to continue to conduct the youth soccer program; and

WHEREAS, at a meeting on May 18, 2006, the Parks and Recreation Commission unanimously endorsed adoption of a new agreement with the Recreational Division of the Stafford Area Soccer Association; and

WHEREAS, at a meeting on June 20, 2006, the Board approved the new agreement; and

WHEREAS, that agreement only included the Recreational Division of the SASA; and

WHEREAS, the agreement has been revised to include both the Classic and Recreational Divisions of the SASA; and

WHEREAS, the Board desired to amend the agreement to reflect the change;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 5th day of December, 2006, that the County Administrator be and

he hereby is authorized to execute an amendment to the Agreement with the Stafford Area Soccer Association to operate the youth soccer program to include the Classic and Recreational Divisions.

<u>Item 11. Administration; Authorize Sealed Bids for County-Owned Property at 405 Chatham Square.</u>

Resolution R06-511 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO SOLICIT SEALED BIDS FOR THE COUNTY-OWNED PROPERTY AT 405 CHATHAM SQUARE

WHEREAS, the County purchased in 1999 the property located at 405 Chatham Square, a 5,220 square foot, two-story office building located behind the Falmouth Fire Department in South Stafford; and

WHEREAS, the County offices that once occupied this space have been relocated and the County no longer requires this space; and

WHEREAS, the Board desires to offer this property for sealed bids with the intent to advertise a public hearing to declare the property surplus, sell to the successful bidder, and distribute the sale proceeds, after payment of the outstanding debt, to cash capital funds for future capital projects;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 5th day of December, 2006, that the County Administrator be and he hereby is authorized to solicit sealed bids for the county-owned property at 405 Chatham Square.

Item 12. Utilities; Award a Contract for Installation of Ultraviolet Disinfection Equipment for the Aquia Wastewater Treatment Facility.

Resolution R06-512 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
TO AWARD A CONTRACT FOR THE INSTALLATION OF DISINFECTION
EQUIPMENT FOR THE AQUIA WASTEWATER TREATMENT FACILITY
AND AUTHORIZE PAYMENT TO
ANDERSON CONSTRUCTION, INC.

WHEREAS, the Aquia Wastewater Treatment Facility is experiencing difficulties meeting discharge limits with the disinfection equipment installed in 1991; and

WHEREAS, the County has entered into a Consent Order to bring the disinfection performance into compliance with permit limits; and

WHEREAS, the County recently awarded the contract for the manufacture of the disinfection equipment, and

WHEREAS, the design for the installation of the replacement ultraviolet disinfection equipment has been completed and the equipment offered for public bids; and

WHEREAS, one bid, from Anderson Construction, Inc. was received in the amount of \$215,000; and

WHEREAS, funds are appropriated in the Utilities Fund for this equipment;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 5th day of December, 2006, that the County Administrator be and

he hereby is authorized to award a contract to Anderson Construction, Inc. in an amount not to exceed Two Hundred Fifteen Thousand Dollars (\$215,000) for the installation of ultraviolet disinfection equipment for the Aquia Wastewater Treatment Facility.

Item 13. Legislative; Clarify Acreage of Tax Map 31-33-20D, a 1.4 Acre Parcel on the East Side of Hope Springs Lane Sold at October 17, 2006 Board of Supervisors Meeting.

Resolution R06-514 reads as follows:

A RESOLUTION RATIFYING PRIOR BOARD ACTION AUTHORIZNG SALE OF COUNTY OWNED PROPERTY IDENTIFIED AS TAX PARCEL 31-33-20D TO DR. JOHN T. BIDDULPH

WHEREAS, on October 17, 2006 by Resolution R06-206 the Board authorized the sale of County owned property consisting of 1.4821 acres of land identified as Tax Parcel 31-33-20D to Dr. John T. Biddulph; and

WHEREAS, the Board properly advertised the sale of the 1.4821 acres of land identified as Tax Parcel 31-33-20D for public hearing; and

WHEREAS, on October 17, 2006 the Board conducted a public hearing to consider the sale of Tax Parcel 31-33-20D to Dr. John T. Biddulph for the sales price of \$60,000; and

WHEREAS, the tax map exhibit presented to the Board did not demonstrate that a portion of Tax Parcel 31-33-20D was geographically detached from the main portion of the tax parcel, consisting of 0.0686 of an acre of land which was included within the properly advertised 1.4821 acres of land being considered for sale; and

WHEREAS, the Board has been presented with a corrected exhibit properly reflecting the two portions of Tax Parcel 31-33-20D; and

WHEREAS, it has been the intent of the Board to sell the entire County owned property identified as Tax Parcel 31-33-20D, consisting of a total of 1.4821 acres of land; and

WHEREAS, the corrected exhibit describing the entire tax parcel does not alter the Board's decision to sell the entirety of Tax Parcel 31-33-20D in any respect;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 5th day of December 2006, that it be and hereby does ratify its previous action taken on October 17, 2006 in Resolution R06-206 and confirms its authorization that the County Administrator execute a deed to the entire Tax Parcel 31-33-20D, consisting of 1.4821 acres of land to Dr. John T. Biddulph for the purchase price of Sixty Thousand Dollars (\$60,000).

<u>Item 14a. Legislative; Appoint Members to Boards, Authorities, Commissions and</u> Committees.

Clean Community Task Force.

Resolution R06-509 reads as follows:

A RESOLUTION TO APPOINT A MEMBER TO THE CLEAN COMMUNITY TASK FORCE

WHEREAS, the purpose of the task force is to bring recommendations to the Board on actions to preserve Stafford's environment and quality of life; and

WHEREAS, the task force shall consider issues including, but not limited to, property maintenance and Chapter 21, Articles IV (Accumulations of litter on private property) and V (Litter control) of the County Code; and

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WHEREAS, the task force shall develop methods to control and manage the: 1.)

removal of trash, garbage, etc. from properties, including roadways, 2.) littering, 3.)

dropping contents from vehicles, 4.) litter receptacles 5.) penalties for violations; and

WHEREAS, suggestions to the Board can include, but not be limited to,

acquisition of equipment to clean roadways, new ways to provide workers for regular

maintenance, cooperative maintenance procedures with VDOT; and

WHEREAS, the task force shall have seven appointed members, one from each of

the County's election districts and staff support from the County Attorney's Office,

Department of Code Administration, Office of Litter Prevention and Recycling, or other

departments as needed; and

WHEREAS, the task force shall present its recommendations to the Board within

six months of appointment of members at which time the task force shall be dissolved,

unless it is deemed necessary by the Board that it be continued;

WHEREAS, the Board has previously appointed the following:

<u>NAME</u>

Curtis M. Dickinson

(Falmouth District)

Wendy Meyer

(Garrisonville District)

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of

Supervisors on this the 5th day of December, 2006, that:

<u>NAME</u>

Barry Hastings (Hartwood District)

be and he hereby is appointed to the Clean Community Task Force.

Board of Zoning Appeals.

Resolution R06-518 reads as follows:

A RESOLUTION TO RECOMMEND A MEMBER FOR APPOINTMENT
TO THE STAFFORD COUNTY BOARD OF ZONING APPEALS

WHEREAS, Section 15.2-2308 of the Code of Virginia (1950), as amended, and Section 28-341 of the Stafford County Code provides for a Board of Zoning Appeals which members shall be appointed by the Circuit Court; and

WHEREAS, Ordinance O93-06 authorizes the Board of Zoning Appeals to consist of seven members; and

WHEREAS, the Board has previously recommended and the Circuit Court appointed the following:

<u>NAME</u> <u>EXPIRATION</u>

Nicholas L. Kopchinsky December 31, 2006

(Falmouth District)

John Overbey December 31, 2008

(Hartwood District)

December 31, 2009

Stephen R. Beauch

(Griffis-Widewater District)

Larry W. Ingalls December 31, 2010

(George Washington District)

Cecelia Kirkman December 31, 2008

(Aquia)

Angelo Amador December 31, 2007

(Garrisonville District)

Julie A. Rutledge December 31, 2007

(Rock Hill District)

WHEREAS, the term of Nicholas L. Kopchinsky will expire on December 31, 2006; and

WHEREAS, it is the desire of the Board to recommend an individual to fill this vacancy; and

WHEREAS, the term of appointment is five years;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 5th day of December, 2006, that

<u>NAME</u> <u>EXPIRATION</u>

Ernest C. Ackermann December 31, 2011

(Falmouth District)

be and he hereby is recommended for appointment to the Stafford County Board of Zoning Appeals.

Item 15. Economic Development; Support Issuance of the Economic Development Authority of Stafford County Revenue Bonds in the Amount of \$125,000,000.

Resolution R06-487 reads as follows:

A RESOLUTION APPROVING ISSUANCE OF REVENUE BONDS IN THE AMOUNT OF \$125,000,000 FOR MEDICORP AT STAFFORD, LLC AND AFFILIATES

WHEREAS, there have been described to the Economic Development Authority of Stafford County, Virginia (the Authority), the plans of MediCorp at Stafford, LLC (the Company), whose principal place of business is located at 2300 Fall Hill Avenue, Fredericksburg, Virginia 22401, for the issuance by the Authority of its revenue bonds (the Bonds) in an amount not to exceed \$125,000,000 (a) to finance the development, construction and equipping, including diagnostic and therapeutic equipment and miscellaneous hospital furnishings, of a 100 bed general service hospital facility (the Project) to be located on an approximately 70 acre parcel of vacant land located on the east side of U. S. Route 1 approximately one-quarter mile south of the intersection of Courthouse Road and U.S. Route 1 in Stafford County, Virginia, to be owned by the Company, (b) to fund any required debt service reserve fund and, if the Company so elects, construction period interest on the Bonds, and (c) to pay certain costs of issuance relating to the Bonds, including any bond insurance premium with respect to the Bonds; and

WHEREAS, the Project will be owned by the Company and the Authority has held a public hearing on November 17, 2006 with respect to the plan of finance and the

issuance of the Bonds as required by Virginia law and the Internal Revenue Code of 1986, as amended (the Code); and

WHEREAS, the Code provides that the highest elected governmental officials of the governmental unit having jurisdiction over the issuer of bonds shall approve the issuance of such bonds; and

WHEREAS, the Authority issues its bonds on behalf of Stafford County, Virginia (the County), and members of the Board of Supervisors of Stafford County (the Board) constitute the highest elected governmental officials of the County; and

WHEREAS, Section 15.2-4906 of the Code of Virginia (1950), as amended, provides that the Board shall within 60 calendar days from the public hearing with respect to industrial development revenue bonds either approve or disapprove the issuance of such bonds; and

WHEREAS, a copy of the Authority's resolution approving the issuance of the Bonds, a reasonably detailed summary of the comments expressed at the public hearing with respect to the Bonds and a statement in the form prescribed by Section 15.2-4907 of the Virginia Code have been filed with the Board, together with the Authority's recommendation that the Board approve the issuance of the Bonds;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 5th day of December, 2006, that

- 1. The recitals made in the first and second preambles to this Resolution are hereby adopted as a part of this Resolution.
- 2. The Board of Supervisors of Stafford County, Virginia, approves the issuance of the Bonds by the Authority to assist in the plan of finance described herein for the benefit of the Company to the extent required by the Code and Section 15.2-4906 of the Virginia Code.

- 3. The Approval of the issuance of the Bonds, as required by the Code and Section 15.2-4909 of the Virginia Code, does not constitute an endorsement to a prospective purchaser of the Bonds of the creditworthiness of the Project or the Company and, as required by Section 15.2-4909 of the Virginia Code, the Bonds shall provide that neither the County nor the Authority shall be obligated to pay the Bonds or the interest thereon or other costs incident thereto except from the revenues and moneys pledged therefore and neither the faith or credit nor taxing power of the Commonwealth of Virginia, the County nor the Authority shall be pledged thereto.
- 4. This Resolution shall take effect immediately upon its adoption.

Administration; Amend County Code Article III, Officers and Employees, Division 2, Disclosure of Personal Interests, Section 2-97, When and By Whom Required. Mr. Dudenhefer commented.

Discussion ensued.

Hearing no objections from the Board, it was decided to not act on this proposed resolution.

Administration; Award a Cable Television Franchise Agreement to Comcast of California/Maryland/ Pennsylvania/Virginia/West Virginia, LLC. Ms. Cathy Riddle, Public Information Manager, responded to Board members questions.

Mr. Dudenhefer motioned, seconded by Mr. Fields, to adopt proposed Resolution R06-479.

Discussion ensued

The Voting Board tally was:

Yea: (7) Cavalier, Dudenhefer, Fields, Gibbons, Milde, Schwartz, Brito

Nay: (0)

Resolution R06-479 reads as follows:

A RESOLUTION TO AUTHORIZE A PUBLIC HEARING TO CONSIDER EXECUTION OF A CABLE TELEVISION FRANCHISE AGREEMENT WITH COMCAST OF CALIFORNIA/MARYLAND/PENNSYLVANIA/VIRGINIA/WEST VIRGINIA, LLC

WHEREAS, Comcast of California/Maryland/Pennsylvania/Virginia/West Virginia LLC (Comcast) has been providing service to County residents under an extended franchise; and

WHEREAS, the Cable Television Advisory Committee has negotiated a new franchise agreement with Comcast to provide cable video services in Stafford County; and

WHEREAS, the County and Comcast have agreed to terms that are incorporated in a new cable system franchise agreement;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 5th day of December, 2006, that the County Administrator be and he hereby is authorized to advertise a public hearing to execute a non-exclusive franchise agreement with Comcast of California/Maryland/Pennsylvania/Virginia/West Virginia LLC.

<u>Planning</u>; <u>Discuss Purchase of Development Rights.</u> Mr. Jeff Harvey, Director of Planning and Community Development, gave a presentation.

Mr. Milde motioned, seconded by Mr. Cavalier, to adopt proposed Resolution R06-508.

Mr. Fields made a substitute motion, seconded by Mr. Brito, to defer this item.

The Voting Board tally was:

Yea: (3) Fields, Schwartz, Brito

Nay: (4) Gibbons, Milde, Cavalier, Dudenhefer

The Voting Board tally on the original motion was:

Yea: (4) Dudenhefer, Gibbons, Milde, Cavalier

Nay: (3) Fields, Schwartz, Brito

Resolution R06-508 reads as follows:

A RESOLUTION TO AUTHORIZE A PUBLIC HEARING FOR A PURCHASE OF DEVELOPMENT RIGHTS (PDR) PROGRAM

WHEREAS, the Board established the Agricultural Commission in December, 2000, to establish a comprehensive approach to the preservation of agricultural and rural lands; and

WHEREAS, the Board requested the Agricultural Commission to develop a Purchase of Development Rights (PDR) Program; and

WHEREAS, the Agricultural Commission has received assistance from various agencies active in the establishment of a PDR program; and

WHEREAS, the Board established a sub-committee to review a proposed PDR ordinance; and

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WHEREAS, the Board feels that the establishment of a PDR program will help address the problems of sustainable growth, preservation of rural lands, and promotion and facilitation of agriculture, environmental integrity and land values; and

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 5th day of December, 2006, that the County Administrator be and he hereby is authorized to advertise a public hearing for a Purchase of Development Rights program pursuant to proposed Ordinance O07-02.

<u>Planning</u>; Consider an Amendment to the Land Use Plan Component of the Comprehensive Plan.

Mr. Schwartz motioned, seconded by Mr. Brito, to adopt proposed Resolution R06-477.

Discussion ensued.

Mr. Gibbons made a substitute motion, seconded by Mr. Dudenhefer, to defer this item to the next Board meeting.

Discussion ensued.

The Voting Board tally was:

Yea: (5) Schwartz, Brito, Cavalier, Dudenhefer, Gibbons

Nay: (2) Milde, Fields

<u>Legislative</u>; <u>Discuss Consider Change in Membership of the Beautification Committee.</u>

Ms. Julie May, Analyst, Recycling – Litter Control, and temporary Chairman of the Beautification committee gave a presentation.

Mr. Brito motioned, seconded by Mr. Cavalier, to adopt proposed Resolution R06-489.

The Voting Board tally was:

Yea: (6) Schwartz, Brito, Cavalier, Dudenhefer, Fields, Gibbons

Nay: (0)

Absent: (1) Milde

Resolution R06-489 reads as follows:

A RESOLUTION TO CONSIDER CHANGE IN MEMBERSHIP TO THE

BEAUTIFICATION COMMITTEE

WHEREAS, Resolution R02-215 reestablished the Beautification Committee; and

WHEREAS, Resolution R02-215 authorizes 18 members to be appointed to the

Beautification Committee, one to represent each of the following: education system,

business community, County Extension Office, a community or civic organization, 2 high

school students, a youth organization, County government, a garden club, Sheriff's

Office, community involvement representative, and one representative from each of the

County's seven election districts; and

WHEREAS, at the request of the Board, the Beautification Committee has

considered its membership and activities with the goal of streamlining to improve its

functionality; and

WHEREAS, the Committee has struggled with turnover and several chronically

vacant positions, making it difficult to reach a quorum; and

WHEREAS, at its regular meeting in September, the Beautification Committee

voted to reduce its membership from 18 to 12 positions and rename two positions upon

Board approval; and

WHEREAS, the Board has previously appointed the following:

<u>NAME</u>	EXPIRATION
Julie May (County Government)	December 31, 2006
VACANT (Youth Organization)	December 31, 2006
Ian Treggett (Extension Office)	December 31, 2006
Laurie Posner (George Washington District)	December 31, 2006
Denise Baer (Griffis-Widewater District)	December 31, 2006
VACANT (Education System)	December 31, 2006
VACANT (Falmouth District)	December 31, 2006
Sandra West (Community Organization)	December 31, 2006
Deputy Craig Cain (Sheriff's Office)	December 31, 2006
Cynthia Lucero-Chavez	December 31, 2006

(Community Involvement)

VACANT December 31, 2006

(Rock Hill District)

Patrice Promack December 31, 2006

(Hartwood District)

VACANT December 31, 2005

(Business Community)

VACANT December 31, 2006

(Garden Club)

Wendy Meyer December 31, 2006

(Garrisonville)

Shari Kern December 31, 2006

(Aquia)

VACANT December 31, 2006

(High School Student)

VACANT December 31, 2006

(High School Student)

WHEREAS, the Committee recommends changing the name of Community Involvement Representative to Stafford County Public Schools/Community Involvement, and Garden Club Representative to Master Gardener; eliminate the Business Community Representative, the Community Organization Representative, Education System Representative, (2) High School Student positions and the Youth Organization Representative; and

WHEREAS, vacancies exist for the Falmouth, Rock Hill, and Master Gardener positions; and

WHEREAS, the term of membership is one year;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 5th day of December, 2006, that it be and hereby does approve the recommended title change of positions and membership from 18 to 12 positions as suggested by the Beautification Committee; and

BE IT FURTHER RESOLVED that

NAME	EXPIRATION
Shari Kern (Aquia District)	December 31, 2006
VACANT (Falmouth District)	December 31, 2006
Wendy Meyer (Garrisonville)	December 31, 2006
Laurie Posner (George Washington District)	December 31, 2006
Denise Baer (Griffis-Widewater District)	December 31, 2006

Patrice Promack December 31, 2006

(Hartwood District)

VACANT December 31, 2006

(Rock Hill District)

Julie May December 31, 2006

(County Government)

Ian Treggett December 31, 2006

(Extension Office)

Deputy Craig Cain December 31, 2006

(Sheriff's Office)

Cynthia Lucero-Chavez December 31, 2006

(Stafford County Public Schools/

Community Involvement)

VACANT December 31, 2006

(Master Gardener)

be and they hereby are approved to the reformulated Beautification Committee.

<u>Legislative</u>; <u>Discuss Board of Zoning Appeals Appointment of Alternates.</u> Mr. Dan Schardein, Director of Code Administration, gave a presentation.

Discussion ensued.

Hearing no objections from the Board, staff was requested to provide further information.

Mr. Schwartz motioned, seconded by Mr. Fields, to authorize the televising of any meeting held in the Board Chambers.

Discussion ensued.

The Voting Board tally was:

Yea: (7) Brito, Cavalier, Dudenhefer, Fields, Gibbons, Milde, Schwartz

Nay: (0)

Recess. At 3:26 P.M., the Chairman declared a recess.

<u>Call to Order.</u> At 3:35 P.M., the Chairman called the meeting back to order.

Legal; Authorize Public Hearings to Amend and Reordain the County Code, Chapter 4, entitled "Amusements" by adding Article IV entitled "Adult Business" and Section 17-9, entitled "Indecent Exposure".

Mr. Dudenhefer motioned, seconded by Mr. Brito, to adopt proposed Resolution R06-522.

The Voting Board tally was:

Yea: (7) Cavalier, Dudenhefer, Fields, Gibbons, Milde, Schwartz, Brito

Nay: (0)

Resolution R06-522 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
TO ADVERTISE A PUBLIC HEARING TO AMEND AND REORDAIN
CHAPTER 4 ENTITLED "AMUSEMENTS" BY ADDING ARTICLE IV,

ENTITLED "ADULT BUSINESS", AND SECTION 17-9, ENTITLED "INDECENT EXPOSURE", OF THE STAFFORD COUNTY CODE

WHEREAS, adult businesses, as defined by proposed Ordinance O06-93 and O06-94, if located within the jurisdiction of Stafford County, will require special supervision from the public safety agencies of the County in order to protect and preserve the health, safety, morals and welfare of the patrons of such businesses as well citizens of the County; and

WHEREAS, based on reports from other jurisdictions where such businesses have located, adult businesses in such localities are places where frequent unlawful and unhealthy sexually related activities occur, including prostitution and sexual liaisons of a casual nature; and

WHEREAS, there is convincing documented evidence that adult businesses operating within a jurisdiction have a deleterious effect on both the existing retail and commercial businesses around them as well as the surrounding residential areas adjacent to them, causing or contributing to increased crime and the downgrading of property values; and

WHEREAS, it is recognized that adult businesses, due to their nature, have had serious objectionable operational characteristics thereby contributing to property blight and downgrading the quality of life in adjacent areas as shown by studies conducted throughout other localities in the United States; and

WHEREAS, the Board desires to act in a proactive manner to minimize and control the potential of such adverse secondary effects from occurring within Stafford County and thereby protecting the health, safety, and welfare of the citizens of Stafford County; protecting the citizens from potential increases in crime; preserving the quality of life and property values, and character of all of its neighborhoods; and

WHEREAS, there are sufficient government interests justifying content-neutral regulations of speech which include preventing harmful secondary effects and protecting order and morality, which are both classic expressions of state and local police powers; and

WHEREAS, the County currently has an ordinance that prohibits and punishes indecent exposure but does not have a specific ordinance that defines or addresses the issue of public nudity; and

WHEREAS, the County, in a concerted effort to confront the potential secondary effects associated with such activity at locations and places where such activity might be promoted, encouraged, or likely to occur, desires to amend its ordinances to address the matter in a proactive manner to minimize and control such potential and adverse secondary effects from occurring in the County thereby protecting the health, safety and welfare of the citizens of the County; and

WHEREAS, the Board finds that public necessity, convenience, general welfare or good practice require amendment and adoption of such ordinances;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 5th day of December, 2006, that the County Administrator be and he hereby is authorized to advertise two public hearings for December 19, 2006 to (1) Amend and reordain Chapter 4 entitled "Amusements" by adding Article IV, entitled "Adult Business" of the Stafford County Code, and (2) Amend and reordain Section 17-9, entitled "Indecent Exposure", of the Stafford County Code.

<u>Preservation.</u> Mr. Milde motioned, seconded by Mr. Dudenhefer, to nominate Crow's Nest to the National Trust for Historic Preservation and arrange a meeting with the Secretary of Natural Resources.

The Voting Board tally was:

Yea: (7) Dudenhefer, Fields, Gibbons, Milde, Schwartz, Brito, Cavalier

Nay: (0)

Legislative; Discuss Silt in Aquia Creek.

Mr. Milde motioned, seconded by Mr. Cavalier, to proceed with the hiring of an engineer in an amount not to exceed \$10,000 for the purpose of determining how much silt has been deposited in Aquia Creek.

The Voting Board tally was:

Yea: (7) Fields, Gibbons, Milde, Schwartz, Brito, Cavalier, Dudenhefer

Nay: (0)

Legislative; Authorize Funding for the Installation of a Traffic Signal At the Intersection of Garrisonville Road and Joyce Street; Request Reimbursement from the Potomac and Rappahannock Transportation Commission for These Expenditures and Authorize the County Administrator to Execute a Memorandum of Agreement with the Virginia Department of Transportation. Mr. Gibbons commented.

Mr. Milde motioned, seconded by Mr. Schwartz, to adopt proposed Resolution R06-507.

The Voting Board tally was:

Yea: (7) Gibbons, Milde, Schwartz, Brito, Cavalier, Dudenhefer, Fields

Nay: (0)

Resolution R06-507 reads as follows:

A RESOLUTION TO AUTHORIZE FUNDING FOR THE INSTALLATION OF A TRAFFIC SIGNAL AT THE INTERSECTION OF GARRISONVILLE ROAD AND JOYCE STREET; REQUEST REIMBURSEMENT FROM THE

POTOMAC AND RAPPAHANNOCK TRANSPORTATION COMMISSION FOR THESE EXPENDITURES; AND AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE A MEMORANDUM OF AGREEMENT WITH THE VIRGINIA DEPARTMENT OF TRANSPORTATION

WHEREAS, VDOT has approved the intersection of Garrisonville Road and Joyce Street for a traffic signal; and

WHEREAS, \$145,000 from VDOT and private contributions is available to offset the cost of the traffic signal; and

WHEREAS, the total cost will be determined at the completion of the VDOT scoping process; and

WHEREAS, the total cost could be more than \$145,000; and

WHEREAS, a traffic fatality has recently occurred at the intersection;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 5th day of December 2006, that the Board recognizes the need for a traffic light and intends to provide any additional costs in excess of One Hundred Forty-five Thousand Dollars (\$145,000) from the Transportation Fund; and

BE IT FURTHER RESOLVED that the Potomac and Rappahannock Transportation be and it hereby is requested to reimburse the County any additional costs which are to be determined; and

BE IT STILL FURTHER RESOLVED that the County Administrator be and he hereby is authorized to execute a Memorandum of Agreement with VDOT for this signalization project.

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<u>Legislative</u>; Change the Board of Supervisors' Meeting Dates. Mr. Cavalier commented.

Mr. Schwartz motioned, seconded by Mr. Dudenhefer, to adopt proposed Resolution R06-524.

Discussion ensued.

The Voting Board tally was:

Yea: (7) Milde, Schwartz, Brito, Cavalier, Dudenhefer, Fields, Gibbons

Nay: (0)

Resolution R06-524 reads as follows:

A RESOLUTION TO CHANGE THE BOARD OF SUPERVISORS MEETING DATES

WHEREAS, it is the desire of the Board to schedule meeting dates which will permit attendance at annual meetings of professional associations, accommodate personal schedules and allow adequate time for preparation of meeting materials;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 5th day of December, 2006, that the regularly scheduled meetings on January 2 and January 16, 2007, are cancelled and the regularly scheduled meetings will be on January 9 and January 23, 2007, beginning at 1:00 P.M; and

BE IT FURTHER RESOLVED that the County Administrator be and he hereby is requested to advise Board members should the Regular Agenda become ponderous with issues so an adjourned or Special Meeting may be arranged.

<u>Legislative</u>; <u>Closed Meeting Addition</u>. Mr. Cavalier motioned, seconded by Mr. Dudenhefer, to add the following item to the Closed Meeting Agenda:

Richard R. Nageotte v. Board of Supervisors of Stafford County, Virginia, et al

The Voting Board tally was:

Yea: (7) Schwartz, Brito, Cavalier, Dudenhefer, Fields, Gibbons, Milde

Nay: (0)

<u>Legislative</u>; <u>Closed Meeting.</u> At 3:52 P.M., Mr. Cavalier motioned, seconded by Mr. Dudenhefer, to adopt proposed Resolution CM06-34.

The Voting Board tally was:

Yea: (7) Brito, Cavalier, Dudenhefer, Fields, Gibbons, Milde, Schwartz

Nay: (0)

Resolution CM06-34 reads as follows:

A RESOLUTION TO AUTHORIZE CLOSED MEETING

WHEREAS, the Board of County Supervisors desires to consult with counsel and discuss in Closed Meeting legal advice in regard to <u>Board of Supervisors of Stafford Virginia v. Stafford Lakes Limited Partnership, et al.</u> and <u>Richard R. Nageotte v. Board of Supervisors of Stafford County, Virginia, et al.</u>; the acquisition of real property for public purpose in regard to the Bracco land acquisition; and one personnel matter; and

WHEREAS, pursuant to Section 2.2-3711 A7, A1 and A3 VA Code Ann., such discussions may occur in Closed Meeting;

NOW, THEREFORE, BE IT RESOLVED that the Stafford Board of Supervisors, on this the 5th day of December, 2006 does hereby authorize discussions of the aforestated matters in Closed Meeting.

Call to Order. At 4:57 P.M., the Chairman called the meeting back to order.

<u>Legislative</u>; <u>Closed Meeting Certification</u>. Mr. Fields motioned, seconded by Mr. Schwartz, to adopt proposed CM06-34a.

The Voting Board tally was:

Yea: (7) Cavalier, Dudenhefer, Fields, Gibbons, Milde, Schwartz, Brito

Nay: (0)

Resolution CM06-34a reads as follows:

A RESOLUTION TO CERTIFY THE ACTIONS OF THE STAFFORD COUNTY BOARD OF SUPERVISORS IN A CLOSED MEETING ON DECEMBER 5, 2006

WHEREAS, the Board has, on this the 5th day of December, 2006, adjourned into a closed meeting in accordance with a formal vote of the Board and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, the Virginia Freedom of Information Act, as it became effective July 1, 1989, provides for certification that such Closed Meeting was conducted in conformity with law;

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of Supervisors does hereby certify, on this the 5th day of December 2006, that to the best of each member's knowledge: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act were discussed in the Closed Meeting to which this certification applies; and (2) only such public business matters as were identified in the Motion by which the said Closed Meeting was convened were heard, discussed, or considered by the Board. No member dissents from the aforesaid certification.

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Mr. Milde motioned, seconded by Mr. Dudenhefer, to authorize the County Attorney to file an appropriate legal action to prevent the owners of Crows Nest from timbering and other land disturbing activities, including relic hunting, that would destroy the historic, cultural and environmental assets of Crows Nest that the County is planning to preserve during the County's condemnation lawsuit to acquire the Crows Nest property.

The Voting Board tally was:

Yea: (7) Dudenhefer, Fields, Gibbons, Milde, Schwartz, Brito, Cavalier

Nay: (0)

Recess. At 4:57 P.M., the Chairman declared a recess until 7:00 P.M.

Call to Order. At 7:00 P.M., the Chairman called the meeting back to order.

<u>Invocation.</u> Mr. Gibbons requested a moment of silence in memory of The Honorable Ralph A. Marceron.

<u>Pledge of Allegiance to the Flag of the United States of America.</u> Mr. Brito lead in the recitation of the Pledge of Allegiance to the Flag of the United States of America.

<u>Legislative</u>; <u>Presentations by the Public</u>. The following persons spoke on topics as identified:

John Tomlin - Brentsmill rezoning.

Cecelia Kirkman - Crow's Nest.

Robert Dreistadt - Bond Referendum.

Buddy Secor - Dominion Power Transmission Line.

<u>Planning; Consider Amending Proffered Conditions on 1,116.52 Acres at 14 Cedar</u>

<u>Grove Road for Westlake Development, LLC.</u> Mr. Jeff Harvey, Director of Planning and Community Development, gave a presentation.

The Chairman opened a public hearing.

The following persons spoke:

Clark Leming, on behalf of the Applicant

Cecelia Kirkman

The Chairman closed the public hearing.

Mr. Brito motioned, seconded by Mr. Schwartz, to adopt proposed Ordinance O06-67 with a change.

Discussion ensued.

The Voting Board tally was:

Yea: (7) Fields, Gibbons, Milde, Schwartz, Brito, Cavalier, Dudenhefer

Nay: (0)

Ordinance O06-67 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN THE ZONING ORDINANCE FOR STAFFORD COUNTY BY AMENDING THE PROFFERED CONDITIONS OF ASSESSOR'S PARCELS 35-20, 20A, 21, 23, 24, 27(PORTION), 27A, 27B, 28, 28B, 30A, 31, 32A AND 43-55 (PORTION), 59, 59A, 59B, 59C, 59D AND 59E, ZONED R-2, URBAN **RESIDENTIAL-MEDIUM** DENSITY, R-1. **SUBURBAN** RESIDENTIAL, M-1, LIGHT INDUSTRIAL, A-1, AGRICULTURAL **AND** B-2, **URBAN** COMMERCIAL ZONING DISTRICTS, HARTWOOD ELECTION DISTRICT

WHEREAS, Westlake Development LLC, Applicant, has submitted application RC2501263 requesting an amendment to proffered conditions, on property consisting of approximately 1,116.52 acres, located on the south side of Warrenton Road, west of Holly Corner Road and along Cedar Grove Road, Hartwood Election District; and

WHEREAS, the Board has carefully considered the recommendation of the Planning Commission and staff and the testimony at the public hearing; and

WHEREAS, the Board has determined that the requested amendment to proffered conditions is appropriate;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 5th day of December, 2006, that the Zoning Ordinance for Stafford County be and it hereby is amended and reordained by amending the Zoning District Map to amend proffered conditions on the parcels of land, as described above as follows:

1. The applicant, for itself and its successors or assigns (hereinafter collectively referred to as the "Route 655 Limited Partnership"), hereby proffers that the use and development of the subject property ("Property") shall be in strict accordance with the following conditions, which shall supersede all other proffers made prior hereto. The below described proffers are contingent upon final non appealable rezoning ("Rezoning") of the Property to R-1, Single Family Residential, R-2, Medium Density Residential, B-2, General Commercial, and M-1, Light Industrial zoning districts including a minimum of 372 residential units or 796 residential units of Section E or F of the proffers applies, as applied for by the Route 655 Limited Partnership, and if the Rezoning is not granted accordingly, then such proffers shall be withdrawn and are null and void. The headings of the proffers set forth below have been prepared for convenience or reference only and shall not control or affect the meaning or be taken as an interpretation of any provision of the proffers. The Route 655 Limited Partnership acknowledges that

these proffers shall be construed under Section 15/1-491.2:1 of the Code of Virginia.

- A. Proffers Applicable to R-1 and R-2 zoning districts:
 - 1. <u>Density Restriction:</u> The <u>Applicant Route 655 Limited Partnership</u> proffers that the maximum number of residential units to be constructed on the designated residential portion of the Property shall not exceed 372 single-family detached dwelling units, unless Section E of this proffer statement becomes applicable.
 - 2. Commercial/Industrial Building: The Applicant Route 655 Limited Partnership is committed to the non-residential component of the Property and in recognition of this commitment shall obtain site plan approval, post bonds as required with the County, obtain a building permit and commence construction of at least 25,000 50,000 square feet of a commercial/ industrial building prior to obtaining the first residential occupancy permit. Said building shall be completed prior to the issuance of more than fifty (50) residential occupancy permits. This requirement is waived if Section E of this proffer statement becomes applicable. In addition to the above commitment, prior to the issuance of more than 600 residential occupancy permits, the Applicant Route 655 Limited Partnership shall have completed construction of at least an additional 50,000 square feet of commercial/industrial space.
 - 3. Phasing of Residential Units: Development of the residential portions of the Property shall be phased such that no more than 120 residential occupancy permits shall be obtained per year, the period commencing on the date Rezoning of the Property is approved. The number of occupancy permits shall be cumulative, such that any units allowed to be occupied in any given year, but which are not occupied within said year, may be occupied

in any subsequent year without affecting the number of units allowed in the subsequent year. The <u>Applicant Route 655 Limited Partnership</u> shall not submit a record plat for the subdivision of the residential portion of the Property until 120 days after the Rezoning is approved.

- 4. Residential Amenities: In conjunction with development of the Property, the Applicant Route 655 Limited Partnership shall construct recreational facilities for use of the residents of the Property, which shall include, at a minimum, the following facilities: a swimming pool no less than seventy-five (75) feet long and six (6) lap lanes wide with associated bath house: two (2) tennis courts; one (1) 60' x 90' hard surfaced all purpose court; pedestrian paths; one (1) picnic area containing a covered shelter and tables; four (4) tot lots interspersed throughout the development; and areas of passive open space. The swimming pool and tennis courts shall be constructed prior to the issuance of more than 300 residential occupancy permits.
- 5. <u>Driveway access:</u> No individual residential lot shall have direct vehicular access to any main collector road with traffic which exceeds 1,000 vehicles per day.
- 6. <u>Buffers and Screening:</u> The <u>Applicant Route 655 Limited Partnership</u> shall provide a 40-foot buffer area along the boundary of the parcels adjacent to existing residential lots <u>and a 50-foot buffer adjacent to Tax Map Parcel 35-22 currently zoned M-1</u>, provided; however, that no buffer shall be required where such adjacent lots are separated by a street. A 25-foot buffer shall also be provided along the boundary of all residential parcels adjacent to the arterial road servicing the residential component of the Property. Said buffer area may be created by an easement across residential lots and within said buffer area existing vegetation shall be maintained where possible, and where existing vegetation cannot be

maintained or existing vegetation is insufficient to provide adequate screening, the <u>Applicant Route 655 Limited Partnership</u> shall provide supplemental plantings within said buffer, and shall utilized evergreens to the extent practicable. Applicant shall provide in the owners' association documents for the continued maintenance of such buffer area.

- 7. Homeowners' Association: The Applicant Route 655 Limited Partnership shall establish, in conjunction with development of the residential portions of the Property, one or more homeowners' associations which shall hold title to and maintain all common open space areas, stormwater management facilities, and recreational facilities located within the residential portions of the Property.
- 8. <u>Flood Plain:</u> No houses shall be constructed within the bounds of the 100 year flood plain.
- 9. Additional RPA Buffers: In recognition that the Property is vested for zoning and for the Chesapeake Bay Act regulations, the Applicant agrees that for any stream presently defined as perennial, but not so defined in 1989, reasonable efforts will be made by the Developer working through county staff to provide 100' buffers where practical on all such perennial streams in accordance with the provisions of the Chesapeake Bay Act regulations effective March 1, 2002. Such efforts to provide buffers shall not result in the loss of project density or adversely affect product mix.
- B. Proffers Applicable to B-2 and M-1 Zoning Districts:
 - 1. <u>Architecture and Building Materials:</u> The architectural styling of buildings shall be compatible on a section-by-section basis. The principal exterior building materials utilized in all structures constructed within the B-2 and M-1 zoning districts and visible either from U.S. Route 17 or

State Route 655 shall be brick, glass, architecturally textured masonry, architectural pre-cast or job cast concrete, stucco type material, or comparable material. No building having metal siding or non-textured cinder block as a principal exterior building material shall be visible from U.S. Route 17 or State Route 655. For those buildings not visible from either U.S. Route 17 or State Route 655, the side of the building facing the street shall be brick, glass, architecturally textured masonry, architectural pre-cast or job cast concrete, stucco type material, or comparable. The Board of Supervisors, with the mutual consent of the Applicant Route 655 Limited Partnership, may modify the immediately preceding sentence for an individual structure if it determines that the quality of design proposed meets or exceeds the intent of these standards, and the project has been previously approved by the Westlake Architectural Review Board.

- 2. <u>Signage</u>: All freestanding signage located within two hundred (200) feet of U.S. Route 17 shall be of a monument type and shall be constructed of materials which are compatible with the materials used in the construction of the buildings on the site. No freestanding sign on any portion of the site shall exceed the maximum allowable height for buildings in the same applicable zoning category.
- 3. <u>Parking Lot Landscaping:</u> Within the parking areas located within the B-2 and M-1 districts, the <u>Applicant Route 655 Limited Partnership</u> shall provide perimeter and internal landscaped areas equivalent to 5% of the paved parking areas.
- 4. <u>Lighting:</u> The <u>Applicant Route 655 Limited Partnership</u> shall provide lighting for the loop spine road as each new section of the road is completed. All freestanding parking lot lighting shall be directed away from adjacent properties, U.S. Route 17 and other roadways.

- 5. <u>Buffer and Screening:</u> The <u>Applicant Route 655 Limited Partnership</u> shall provide a 40-foot buffer along all boundary lines of the B-2, General Commercial, and M-1, Light Industrial, districts which abut properties which are zoned for agricultural or residential uses; provided, however, that no buffer shall be required where said residential and non-residential uses are separated by a street. Said buffers shall be created by an easement across affected lots, and existing vegetation shall be maintained wherever possible within said buffer areas. Supplemental plantings shall be provided where necessary for screening purposes. Said buffer area shall be maintained by a property owners' association created to govern all commercial and industrial portions of the park.
- 6. <u>Tree Preservation:</u> Architectural Design Guidelines as described in Proffer (C) (8) will encourage the preservation of trees and existing quality vegetation without reducing the development potential of individual commercial or industrial lots.
- 7. <u>Loading Platforms:</u> No loading platform within 500 feet of U.S. Route 17 shall be located where it is visible from U.S. Route 17 unless appropriately screened.
- 8. <u>Applicability of Proffers:</u> If Section E of this proffer statement becomes applicable, the proffers set forth in Paragraphs B (1-7) immediately above shall not be applicable to or binding upon the proposed college in conjunction with its development of the college site.
- 9. <u>M-1 Uses:</u> The M-1 uses within four hundred (400) feet of an educational institution shall be limited to research and development, high -tech, and office uses.

- 10. <u>Use Prohibition:</u> The <u>Applicant Route 655 Limited Partnership</u> shall include in all owners' association documents for commercial and industrial lots a provision requiring all landowners' to notify Stafford County and provide all relevant information regarding the nature of such use when seeking either State or Federal permits for the handling, storage, or use of regulated chemicals. Any landowner handling, storing, or using regulated chemicals shall submit an emergency preparedness plan to the County at the time of application for an occupancy permit. The owners' association documents shall also contain a prohibition against use of any site on the Property for toxic waste storage or disposal.
- 11. <u>Proffer Construction:</u> Where the above proffers related to landscape requirements for Westlake are found to conflict with County ordinances on the same subject, the more stringent of the two standards shall be applied.

C. Proffers Applicable to the Entire Property:

- 1. <u>Utilities:</u> The Property will be developed on public water and sewer facilities. The <u>Applicant Route 655 Limited Partnership</u> agrees to participate in the extensions of the existing and/or future water and sanitary facilities necessary to service the Property, either through construction of the necessary improvements (and if applicable with pro rata reimbursement from others), or by participation in a pro rata contribution program for said construction, in accordance with the applicable Stafford County ordinances and regulations.
- 2. <u>Stormwater Management:</u> The <u>Applicant Route 655 Limited Partnership</u> proffers that the stormwater management system for the Property will be designed to control the post-development peak 10-year discharge so as not to exceed the pre-development peak 10 year discharge. The Applicant

Route 655 Limited Partnership will comply with all applicable codes and regulations regarding soil erosion and non-point source pollution. Stormwater management for the Property shall be designed in accordance with Best Management Practices. Provision shall be made in all owners' association documents for the continued maintenance of any stormwater management facility constructed by the <u>Applicant Route 655 Limited Partnership</u>.

- 3. Transportation: Assuming all necessary Stafford County and Virginia Department of Transportation (VDOT) approvals are granted, the Applicant Route 655 Limited Partnership shall construct right turn/deceleration lanes and acceleration lanes at each entrance to the Property and shall also construct left-turn lanes on U.S. Route 17 at each median break entrance to the Property. Said lanes shall be constructed on an intersection-by-intersection basis at the time each internal roadway is connected to U.S. Route 17. In addition, the Applicant Route 655 Limited Partnership proffers that the proposed road network will be generally located as shown on the Land Use Concept Plan, dated August 2, 1989, subject to any design modifications required to comply with current VDOT, Stafford County, Army Corps of Engineers or other governmental agency regulations and/or standards.
- 4. <u>Interparcel Connections:</u> The Property, when developed, will provide for interparcel connections to adjacent subdivisions and properties to the extent most practical.
- Cemeteries: All cemeteries found to exist on the Property shall be appropriately preserved or relocated in conformance with all applicable County and State requirements.
- 6. Grading: With the exception of those necessitated by road construction,

no slopes over twenty-five percent (25%) shall be disturbed unless properly mitigated.

- Archaeological/Historic Sites: The Applicant Route 655 Limited 7. Partnership, within 90 days of Rezoning, will hire an archaeological consultant approved by the County to perform a historic/archaeological reconnaissance of the site. After completing such reconnaissance of the site, such consultant shall prepare a report, which shall be forwarded to the Stafford County Architectural Review Board for comment. If appropriate, archaeological consultant shall include the in such recommendations regarding any sites identified, including, but not limited to the provision of historical markers. In the event a structure is found on the Property which is eligible for inclusion in the National Register of Historic places, or represents a find of uncontroverted local significance, the Applicant Route 655 Limited Partnership shall make all reasonable efforts to include such structure in its plan, or where such is not possible, allow appropriate timely documentation before removal.
- 8. <u>Architectural Standards:</u> The <u>Applicant Route 655 Limited Partnership</u> will generate architectural design guidelines. As part of each deed, a covenant will be included requiring that all lots be developed in accordance with such guidelines.
- 9. Westlake Architectural Review Board: At the time of final subdivision approval for any portion of the Property, the Applicant Route 655 Limited Partnership will establish the Westlake Architectural Review Board ("WARB") to establish and carry out the architectural standards established for Westlake. In order to ensure compliance with County goals, the Applicant Route 655 Limited Partnership shall include as a member of the architectural review board, a member of the County's Planning Commission to be recommended for appointment by the

chairman of the County's Planning Commission, as well as a citizen member, both of whom are to be appointed by the Board of Supervisors. The citizen member may be a member of the Board of Supervisors.

D. Dedications:

- At the later of 12 months from the date of the Rezoning of the Property, or upon the County's request, the Route 655 Limited Partnership shall dedicate to the County in fee simple a 55-acre site. The exact location of such 55-acre site within the residential component of Westlake shall be determined by the Route 655 Limited Partnership in consultation with the representatives of the Stafford County School Board. Thirty-five (35) acres of such site shall be used for a school site, and the remaining twenty (20) acres shall be for public park use. In the event the school site is not used for school use, it shall remain either undeveloped or available for public park use. In the event the park site is not used for such purpose, it shall remain undeveloped. The Route 655 Limited Partnership shall also construct one soccer field or one softball diamond, whichever the Board of Supervisors shall choose, on the park site. The obligation of the Route 655 Limited Partnership to construct such field shall occur at the later of the time when occupancy permits are sought form more that 300 residential units or the Board so requests such construction. Such obligation is expressly based on the understanding that all Local, State and Federal approvals can be obtained for such construction.
- 1.1 School Site The Applicant shall convey to the County a site to be utilized for a public school, park, office, library, civic center or public meeting, and/or other public use consistent with foregoing uses, consisting of approximately sixty-five (65) acres, in the general location show on the "Proposed Westlake School Site," dated July 15, 2005, prepared by Greenhorne and O'Mara, Inc. The site shall be conveyed to the County in

fee simple, and free of liens or encumbrances, excepting utility easements, easements of record, and right-of-way for public streets. A deed conveying the site shall be executed and presented to the County within sixty (60) days of the date the site is requested in writing by the County, provided that the easement crossing the site to service the Vulcan rock quarry (the "Vulcan Easement") has been relocated, such relocation to be effected at no expense to the County. In the event that the Applicant is unable to secure the relocation of the Vulcan Easement, the Applicant shall instead convey to the County the approximately fifty- five (55) acres original school site depicted as land dedicated to Public Use on the "Land Use Concept Plan, Westlake" dated August 2, 1989 prepared by LDR. The proffers set forth in Paragraphs B (1-7) above shall not be applicable to or binding upon the proposed public school site in conjunction with its development as a public school site.

In the event that the sixty-five acre site is conveyed to the County, the Applicant agrees to pay the sum of Thirty-Eight Thousand One Hundred Fifty-One Dollars (\$38,151.00) per single-family detached dwelling unit, payable at issuance of the building permit for each unit for each such unit constructed on the fifty-five (55) acre original school site referenced above. The per unit payments shall, until paid, be subject to annual increases, with notice to the Applicant, to be calculated on a yearly basis commencing one year after the date of rezoning. Such increases shall be calculated by multiplication of the Marshall and Swift Building Cost Index for the current year by the original per unit cash proffer amount.

The per unit contribution shall be allocated based on the following categories or subcategories:

Transportation	\$13,621.00
Parks and Recreation	\$ 5,049.00
Schools	\$17,602.00

Libraries	\$ 626.00
Fire and Rescue	\$ 807.00
General Government	\$ 446.00

The Applicant further agrees to pay the sums referenced in the January 18, 1990 agreement between Stafford County and Route 655 Limited Partnership for those units not contained on the fifty-five (55) acre original school site.

- 1.2 Water Tank Site The Applicant agrees that a portion of the school site may be utilized for a water tank, the specific location to be identified by the County and dedicated by the Applicant within sixty (60) days of such identification.
- 1.3 Access to School Site The Applicant agrees that Cedar Grove Lane (SR725) shall be improved to meet current VDOT standards prior to construction of any school on the School Site. The Applicant further agrees to present a plan to County planning and transportation staff prior to road construction the objective of which is to minimize conflicts between quarry and school traffic by the utilization of such things as extended turn lanes, "roundabouts," "jug handles," traffic signal and/or dedicated truck lanes. The staff, in consultation with VDOT, may elect to direct the applicant to implement such reasonable measures believed to reduce traffic conflicts. This proffer shall not be applicable or binding in the event that the original school site is the site conveyed to the County.
- 1.4 Pedestrian Path The Applicant agrees to construct a series of interconnected paths designed to permit pedestrians and bicycles to safely access the School Site. Design of such pathways shall include a pedestrian overpass and construction thereof, if deemed necessary by County staff to safely convey pedestrians to the School Site, and shall be

constructed according to VDOT standards and County specifications.

Construction of any improvements shall be contingent on obtaining all required governmental approvals and permits. This proffer shall not be applicable or binding in the event the original school site is the site conveyed to the County.

- 1.5 Playing Field The Applicant shall construct a multi-purpose playing field at a location to be determined by the Applicant, in consultation with the Department of Parks and Recreation, and shall convey the playing field to the homeowner's association. The field shall be constructed in accordance with the County's guidelines for such construction and by the 300th occupancy permit. If for any reason the sixty-five (65) acre school site described at Proffer D.1. above is not conveyed to the County, the Applicant shall have no obligation under this proffer.
- 2. <u>Fire/Rescue Facility</u> At the later of 6 months from the date of the Rezoning of the Property, or upon the County's request, the <u>Applicant Route 655 Limited Partnership</u> shall dedicate to the County in fee simple a 2-acre site for a Fire/Rescue Facility. In the event such site is not used for a Fire/Rescue Facility, it shall remain either undeveloped or available for public park use.
- 3. Easements for Reservoir: The Applicant Route 655 Limited Partnership agrees to reserve and to grant to Stafford County at no cost to the County, easements across those areas of the Property adjacent to Horsepen Run which are below the 235 foot contour level, for the sole purpose of accommodating the flood level for a proposed reservoir in the Horsepen Run watershed; provided, however, that the residents of the Property shall have free and unencumbered access to the easement area, and that the Applicant Route 655 Limited Partnership shall have the right, prior to construction of said reservoir, to make use of the area within said

easement for purposes of stormwater management/water features. It is understood that the proposed elevation of such reservoir is at contour 220, and that the Applicant Route 655 Limited Partnership may include the land between contour 220 and 235 in lot size calculations, with the further understanding that no building shall be constructed in any area adjacent to Horsepen Run below the 235 contour. In addition, the Applicant Route 655 Limited Partnership shall have the right, at any time, to cross said easement area with roads and utility lines. In the event said easements are not requested by the County within two (2) years following the rezoning, the Applicant Route 655 Limited Partnership shall have no further obligation to reserve or grant any such easements.

- E. Proffers Relating to Site for an Accredited Institution of Higher Learning:

 In the event the Property is officially selected by the General Assembly or any other source within two and one-half (2.5) years of the date of Rezoning, or such extended period as the Applicant Route 655 Limited Partnership and the Board may agree, to be the site of an accredited institution of higher learning ("college"), and provided that the Board requests such dedications and contributions, the following proffers would apply:
 - 1. Dedication of College Site: The Applicant Route 655 Limited Partnership shall dedicate to the Stafford County Board of Supervisors fee simple ownership of a 75-acre parcel of land in the location generally depicted as "College Site" on the Westlake Land Use Concept Plan prepared by L.D.R. dated June 19, 1989, as revised October 10, 1989. The use of said property shall be for an accredited institution of higher learning, for undergraduate and/or graduate programs. Such dedication shall be subject to the following conditions: (1) the dedicated site shall only be used for an accredited institution of higher learning; (2) in the event the site so dedicated is not used for the purpose it is dedicated, it shall remain undeveloped; and (3) the Applicant Route 655 Limited Partnership or its

successors in interest, shall retain the right to enter upon the property until such time as construction begins for the College to maintain the site in a reasonably presentable condition.

- 2. <u>Public Water and Sewer:</u> Provided that adequate water and sewer capacity has been reserved by the County for the College, the Applicant Route 655 Limited Partnership shall construct public water and sewer facilities to the site of the phase one College building by extending off-site utility system facilities approximately 8,000 feet currently located on U.S. Route 17 and in Falls Run, subject to the necessary easements being available. If the necessary off-site easements are not available, the Applicant Route 655 Limited Partnership will make a bona fide attempt to purchase said easements at fair market value. If the Applicant Route 655 Limited Partnership is unable to acquire such easements, it is understood that the County will use its best efforts to acquire the off-site easements. The Applicant Route 655 Limited Partnership will pay all costs associated with the acquisition of such easements, including legal proceedings and land acquisition costs.
- 3. <u>Clear and Grading of the College Site:</u> The <u>Applicant Route 655 Limited Partnership</u> shall clear and rough grade that portion of the College site necessary for preparation for construction by the College of the first phase of development of the College consisting of the first building and associated parking facilities.

In the alternative, upon request of the College, the Applicant Route 655 Limited Partnership will contribute up to \$500,000 toward the actual cost of finishing the site at the new community college. Such contribution, if requested, shall be made at the start of actual construction on the site. Any funds not used for such construction shall be returned to the Owner within 60 days of the issuance of a certificate of occupancy for the College.

- 4. With the selection of the Property to be the site of an accredited institution of higher learning, the maximum number of single-family detached dwelling units shall be modified to 796 units.
- F. Proffers Relating to the Selection of an Off-site Location for an Accredited Institution of Higher Learning:

In the event that an institution of higher learning locates on another site in Stafford County, and the County requests the Applicant Route 655 Limited Partnership to contribute to such institution, the Applicant Route 655 Limited Partnership shall contribute in accordance with the obligations contained in paragraphs 3 and 4 of that agreement between the County and the Applicant Route 655 Limited Partnership dated January 18, 1990, provided that at such time as the Applicant Route 655 Limited Partnership becomes so obligated, the Applicant Route 655 Limited Partnership shall be permitted to construct a total of 796 residential units on that portion of the Property shown on the Land Use Concept Plan as designated for residential use.

BE IT FURTHER ORDAINED that approval of this application will not cause the County to accelerate the utility infrastructure to accommodate the new school site or residential development.

Planning; Amend Section 28-25, Definitions of Specific Terms; Section 28-39, Special Regulations; 28-273, Nonconforming Structures or Residential Buildings; and, Section 28-351, Grant of Special Exception, of the Zoning Ordinance. Mr. Jeff Harvey, Director of Planning and Community Development, gave a presentation.

The Chairman opened a public hearing on the three issues.

No one desired to speak.

The Chairman closed the public hearing.

Mr. Milde motioned, seconded by Mr. Cavalier, to defer proposed Ordinance O06-75.

The Voting Board tally was:

Yea: (7) Gibbons, Milde, Schwartz, Brito, Cavalier, Dudenhefer, Fields

Nay: (0)

Mr. Fields motioned, seconded by Mr. Schwartz, to adopt proposed Ordinance O06-76.

The Voting Board tally was:

Yea: (7) Milde, Schwartz, Brito, Cavalier, Dudenhefer, Fields, Gibbons

Nay: (0)

Ordinance O06-76 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN THE COUNTY CODE BY AMENDING SECTION 28-351, GRANT OF SPECIAL EXEMPTIONS, OF THE ZONING ORDINANCE

WHEREAS, the Board desires the County Code to be consistent with the Code of Virginia; and

WHEREAS, Section 28-351(c) references an incorrect section of the Code of Virginia; and

WHEREAS, the Board has carefully considered the recommendation of the Planning Commission and staff and the testimony at the public hearing; and

WHEREAS, the Board finds that public necessity, convenience, general welfare, or good zoning practice requires adoption of such an ordinance;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 5th day of December, 2006, that the Stafford County Code be and it hereby is amended and reordained by amending Section 28-351(c), Grant of Special Exemptions, of the Zoning Ordinance as follows, with all other portions remaining unchanged:

Sec. 28-351. Grant of special exemptions.

(c) No special exception shall be granted, except after notice and hearings provided in section 15.1-431 15.2-2204 of the Code of Virginia (1950), as amended.

Mr. Fields motioned, seconded by Mr. Schwartz, to adopt proposed Ordinance O06-80.

The Voting Board tally was:

Yea: (7) Schwartz, Brito, Cavalier, Dudenhefer, Fields, Gibbons, Milde

Nay: (0)

Ordinance O06-80 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN THE COUNTY CODE BY AMENDING SECTION 28-273, NONCONFORMING STRUCTURES OR RESIDENTIAL BUILDINGS, OF THE ZONING ORDINANCE

WHEREAS, the Board of Zoning Appeals may approve a special exception for an addition or modifications to a nonconforming house; and

WHEREAS, the Board requests a clear and concise ordinance stating a special exception may be approved for a nonconforming single family residential structure provided the addition or modification does not increase the nonconformity and the

Comprehensive Plan does not envision a change in the character or use of the district in question; and

WHEREAS, the Board has carefully considered the recommendation of the Planning Commission and staff and the testimony at the public hearing; and

WHEREAS, the Board finds that public necessity, convenience, general welfare, or good zoning practice requires adoption of such an ordinance;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 5th day of December, 2006, that the Stafford County Code be and it hereby is amended and reordained by amending Section 28-273 of the Zoning Ordinance as follows with all other portions remaining unchanged:

Sec. 28-273. Nonconforming structures or residential buildings.

- (a) No A nonconforming residential building structure may shall not be enlarged or altered in any way which increases its nonconformity. except as authorized by Special Exception granted by the board of zoning appeals (BZA), The owner of a single family residential structure may apply to the Board of Zoning Appeals (BZA) for a Special Exception when the requested improvements, including any proposed increase in square footage, will not increase the non-conformity, and the Comprehensive Plan, as in existence at the time of application, does not envision a change in the character or use of the district in question. Under all other situations, an applicant will be required to apply to the BZA for a variance; but however, any single-family residential building thereof structure may be altered to decrease its nonconformity without the requirement for a Special Exception or variance.
- (b) If a nonconforming structure is <u>damaged or</u> destroyed by any means by more than fifty (50) percent of its fair market value/replacement cost, <u>as determined</u> at the time of

the damage or destruction, it shall not be reconstructed except if done so in conformity

with the current <u>zoning</u> regulations for the district in which it is located.

(c) A single-family <u>residential</u> dwelling structure that is damaged or destroyed may be

reconstructed provided that the dwelling is reconstructed without any increase in its

height, bulk or floor area and the dwelling structure does not further violate the yard

setbacks required for by the zoning district in which it is located.

(d) If a nonconforming structure is moved for any reason, and for any distance, it shall

thereafter, upon relocation, conform to the current regulations for the zoning district in

which it is relocated after it is moved.

Planning; Repeal Section 22-44, Revisions to Approved Plans; Establish 22-67,

Technical Changes to Approved Preliminary Plans; and Section 22-89.1, Revisions to

Approved Plans; Amend Section 22-76, Submission of Plans; Section 22-87, Content;

Section 22-88, Required Documentation; and, 22-106, Vacation of Boundary Lines; of

the Subdivision Ordinance. Mr. Jeff Harvey, Director of Planning and Community

Development, gave a presentation.

The Chairman opened a public hearing on the five issues.

No one desired to speak.

The Chairman closed the public hearing.

Mr. Cavalier motioned, seconded by Mr. Dudenhefer, to adopt proposed Ordinance

O06-77.

The Voting Board tally was:

Yea: (7) Brito, Cavalier, Dudenhefer, Fields, Gibbons, Milde, Schwartz

Nay: (0)

Ordinance O06-77 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN THE COUNTY CODE BY AMENDING SECTION 22-106, VACATION OF BOUNDARY LINES, OF THE SUBDIVISION ORDINANCE

WHEREAS, the Board desires the County Code to be consistent with the Code of Virginia; and

WHEREAS, Section 22-106 references repealed sections of the Code of Virginia; and

WHEREAS, the Board has carefully considered the recommendation of the Planning Commission and staff and the testimony at the public hearing; and

WHEREAS, the Board finds that public necessity, convenience, general welfare, or good subdivision practice requires adoption of such an ordinance;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 5th day of December, 2006, that the Stafford County Code be and it hereby is amended and reordained by amending Section 22-106, Vacation of Boundary Lines, of the Subdivision Ordinance as follows, with all other portions remaining unchanged:

Sec. 22-106. Vacation of boundary lines.

The boundary lines of any lot or parcel of land platted under the requirements of this chapter may be relocated or otherwise altered as provided under Section 22-44. Such action, however, shall not involve the vacation, relocation or alteration of streets, alleys, easements for public passage or other public areas, nor the creation of additional building lots. No such areas shall be relocated or altered without the express consent of all persons

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holding any interest therein, as stipulated in Sections 15.1-481 and 15.1-482 15.2-2271 or 15.2-2272 of the Code of Virginia (1950), as amended.

Mr. Fields motioned, seconded by Mr. Cavalier, to adopt proposed Ordinance O06-81.

The Voting Board tally was:

Yea: (7) Cavalier, Dudenhefer, Fields, Gibbons, Milde, Schwartz, Brito

Nay; (0)

Ordinance O06-81 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN THE COUNTY CODE BY AMENDING SECTION 22-87, CONTENT; AND SECTION 22-88, REQUIRED DOCUMENTATION, OF THE SUBDIVISION ORDINANCE

WHEREAS, the Subdivision Ordinance requires the surveyor of a final plat to submit a computer disk with all of the line information to be reviewed by the Geographic Information System (GIS) office and stored into the database to establish the exact geographic location of the property lines, corners and roads of the subdivision; and

WHEREAS, the Subdivision Ordinance permits the surveyor to pay a fee in lieu of submitting the computer disk; and

WHEREAS, the Department of Planning and Community Development and GIS office have established a policy to require the computer disk to be submitted with the application for a final plat and prohibit the paying of a fee in lieu of submitting the computer disk; and

WHEREAS, the Commissioner of Revenue's office has been requesting the surveyor send them a keymap after the final plat has been recorded to expedite updates to the electronic tax maps; and

WHEREAS, the Board desires the Subdivision Ordinance to be consistent with department policies; and

WHEREAS, the Board has carefully considered the recommendation of the Planning Commission and staff and the testimony at the public hearing; and

WHEREAS, the Board finds that public necessity, convenience, general welfare, or good subdivision practice requires adoption of such an ordinance;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 5th day of December, 2006, that the Stafford County Code be and it hereby is amended and reordained by amending Section 22-87, Content; and Section 22-88, Required Documentation, of the Subdivision Ordinance as follows with all other portions remaining unchanged:

Sec. 22-87. Content.

- (e) In addition, the final plat shall include the following:
 - (13) *Keymap*: The scale of the map shall be 1"=400' and shall include parcel/lot boundary lines, lot numbers, street names, subdivision name and section (somewhere within boundary) and address numbers (if available at time of submittal).
 - (14) GIS digital data: The plat preparer shall submit an electronically formatted computer file containing all information shown on the final plat. The computer file shall conform to standards as determined by the Geographic Information

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System office for program compatibility. Formatting requirements are available

through the Stafford County web page.

Sec. 22-88. Required documentation.

(a) All security requirements, including approved certified engineer's cost

estimate, developer's agreement, and security, shall be provided prior to final approval by

the agent. Security for public improvements shall not exceed one hundred twenty-five

percent (125%) of the estimated construction costs. Such public facilities shall include

any street, curb, gutter, sidewalk, bicycle trail, drainage or sewer system, public

waterline, stormwater management facility, stability of critical slopes, monuments for

streets or property lines or other improvement dedicated to public use.

(b) Prior to final plat approval by the agent, the plat preparer shall submit to the

agent an electronically formatted computer file containing all information shown on the

final plat. The computer file shall conform to standards as determined by the agent for

program compatibility; provided, however, that the plat preparer may, in lieu of

submitting such file, pay a fee as established by the board of supervisors sufficient to

reimburse the board for such formatting as is done by staff.

Mr. Cavalier motioned, seconded by Mr. Dudenhefer, to adopt proposed Ordinance

O06-87.

The Voting Board tally was:

Yea:

(7) Dudenhefer, Fields, Gibbons, Milde, Schwartz, Brito, Cavalier

Nay: (0)

Ordinance O06-87 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN THE COUNTY CODE BY CREATING SECTION 22-67, TECHNICAL CHANGES TO APPROVED PRELIMINARY PLANS, OF THE SUBDIVISION ORDINANCE

WHEREAS, the Planning Commission approves all preliminary subdivision plans; and

WHEREAS, subsequent plans may not match the approved preliminary subdivision plan due to an engineering change or changes in the County Code; and

WHEREAS, the Planning Department policy has always been to review the changes to a preliminary subdivision plan and determine if a new preliminary subdivision is required; and

WHEREAS, the Board desires the Subdivision Ordinance to be consistent with department policies and establish guidelines in the Subdivision Ordinance to determine if a change to a preliminary subdivision plan would require a new preliminary subdivision plan; and

WHEREAS, the Board has carefully considered the recommendation of the Planning Commission and staff and the testimony at the public hearing; and

WHEREAS, the Board finds that public necessity, convenience, general welfare, or good subdivision practice requires adoption of such an ordinance;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 5th day of December, 2006, that the Stafford County Code be and it hereby is amended and reordained by creating Section 22-67, Technical Changes to

Approved Preliminary Plans, of the Subdivision Ordinance as follows with all other portions remaining unchanged:

Sec. 22-67. Technical changes to approved preliminary plans.

(a) Except for technical changes, which may be approved by the director of planning and community development upon request, any change to an approved preliminary plan for subdivisions, or accompanying data sheets, shall require review of the plan under the procedures of this chapter for original review and approval. Technical changes are changes which comply with the provisions of this chapter in effect at the time of preliminary plan approval and do not alter the basic design or layout of the subdivision, do not change the functional interrelationship of the individual features of the subdivision to each and surrounding properties, and do not change the traffic patterns or increase the traffic volumes of the subdivision or surrounding properties.

Examples of allowed technical changes shall include:

- (1) Changes to correct demonstrated errors;
- (2) Changes to the name of the subdivision or the name of a street;
- (3) Adjustment of the location of lot lines;
- (4) Removal of lot lines to combine lots;
- (5) Relocation, addition or removal of utility easements;
- (6) Changes in response to amendments to county ordinances; or
- (7) Other changes which are clearly of a similar technical nature.
- (b) A request for approval of a technical change shall be made in writing to the director of planning and community development. The request shall fully describe the change and provide reasonable justification for granting the change.
- (c) The director of planning and community development shall either approve or disapprove the change within ten (10) working days of receipt of the request. Changes,

which are approved, shall be in writing or by the signature of the director of planning and community development, or his designee, on the face of the revised plat. The director of planning and community development shall, upon request, forward a copy of each approval or disapproval to members of the planning commission and Virginia Department of Transportation (VDOT).

Mr. Cavalier motioned, seconded by Mr. Dudenhefer, to adopt proposed Ordinance O06-88.

The Voting Board tally was:

Yea: (7) Fields, Gibbons, Milde, Schwartz, Brito, Cavalier, Dudenhefer

Nay: (0)

Ordinance O06-88 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN THE COUNTY
CODE BY REPEALING SECTION 22-44, REVISIONS TO APPROVED
PLATS; CREATING SECTION 22-89.1, REVISIONS TO APPROVED PLATS;
AND AMENDING SECTION 22-106, VACATION OF BOUNDARY LINES,
OF THE SUBDIVISION ORDINANCE

WHEREAS, surveyors may need to correct a final plat that has been recorded in the Office of Land Records of the Circuit Court for Stafford County; and

WHEREAS, Section 22-44 provides provisions in which corrections may be made without requiring a new application for a final plat; and

WHEREAS, the Board desires changes to Section 22-44 since some of the regulations are not applicable; and

WHEREAS, the Board has carefully considered the recommendation of the Planning Commission and staff and the testimony at the public hearing; and

WHEREAS, the Board finds that public necessity, convenience, general welfare, or good subdivision practice requires adoption of such an ordinance;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 5th day of December, 2006, that the Stafford County Code be and it hereby is amended and reordained by repealing Section 22-44, Revisions to Approved Plats; creating Section 22-89.1, Revisions to Approved Plats; and amending Section 22-106, Vacation of Boundary Lines, of the Subdivision Ordinance as follows with all other portions remaining unchanged:

Sec. 22-44. Revisions to approved plats.

Revisions to approved plats shall be subject to the following:

(1) Authorization: Permission for minor revisions for correction of errors on approved plats, and which do not involve more than ten (10) lots, shall be granted to the certifying surveyor or engineer upon filing with the agent a statement and revised plat describing the changes. All other revisions, including, but not limited to, adjustment of boundary lines between more than two (2), but not more than ten (10) lots within the subdivision, vacation of lot lines for the purpose of combining two (2) or more lots, and addition of easements not subject to approval by VDOT, shall be submitted on a revised plat prepared in accordance with the regulations as set forth by the A.P.E.L.S.L.A. Board for the Commonwealth of Virginia with proper notations for review by the agent. The county's planning and zoning staffs shall conduct a ministerial review of the changes without the necessity of referring such changes to the planning commission or the technical review committee. Provided such minor revisions of alterations or adjustments do not:

- a. Result in the creation of new or additional lots;
- b. Result in lots which violate the Stafford County Code relating to zoning or subdivisions;
- c. Increase nonconformities; or
- d. Create nonconforming lots, the agent shall approve such revised plats for recordation.
- (2) Staff approval or denial of such minor revisions, alterations or adjustments shall be given within two (2) working days of submission by the surveyor or owner.

Sec. 22-89.1. Revisions to approved plats.

Revisions to approved plats shall be subject to the following:

- (1) Authorization: Permission for minor revisions for correction of errors on approved plats, and which do not involve more than ten (10) lots, shall be granted to the certifying surveyor or engineer upon filing with the agent a statement and revised plat describing the changes. All other revisions, including, but not limited to, adjustment of boundary lines between more than two (2), but not more than ten (10) lots within the subdivision, vacation of lot lines for the purpose of combining two (2) or more lots, and addition of easements not subject to approval by VDOT, shall be submitted on a revised plat prepared in accordance with Section 22-87. The department of planning and community development shall conduct a ministerial review of the changes without the necessity of referring such changes to the planning commission or the technical review committee. Even if a revision is determined to be minor, it will not be permitted if the revision would:
 - a. Result in the creation of new or additional lots;

- b. Result in lots which violate the Stafford County Code relating to zoning or subdivisions;
- c. Increase nonconformities; or
- d. Create nonconforming lots.
- (2) The agent shall take action within ten (10) working days of official submission of such minor revisions, alterations or adjustments by the surveyor or owner.
- (3) The surveyor or owner shall be advised as to the decision of the agent. Such notification shall be by letter and/or legible markings on the surveyors or owners copy of the revised plat showing the recommendation.
- (4) The agent shall approve such revised plat for recordation provided the plat is in compliance with the requirements and standards of design in accordance with this chapter. The revised plat shall not be recorded unless it has the signature of the agent.

Sec. 22-106. Vacation of boundary lines.

The boundary lines of any lot or parcel of land platted under the requirements of this chapter may be relocated or otherwise altered as provided under section 22-44 22-89.1. Such action, however, shall not involve the vacation, relocation or alteration of streets, alleys, easements for public passage or other public areas, nor the creation of additional building lots. No such areas shall be relocated or altered without the express consent of all persons holding any interest therein, as stipulated in sections 15.2-2271 or 15.2-2272 of the Code of Virginia (1950, as amended).

Mr. Cavalier motioned, seconded by Mr. Fields, to adopt proposed Ordinance O06-89.

The Voting Board tally was:

Yea: (7) Gibbons, Milde, Schwartz, Brito, Cavalier, Dudenhefer, Fields

Nay: (0)

Ordinance O06-89 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN THE COUNTY CODE BY AMENDING SECTION 22-76, SUBMISSION OF PLANS,

OF THE SUBDIVISION ORDINANCE

WHEREAS, Section 22-76 of the Subdivision Ordinance deals with contents of a

submitted subdivision construction plan; and

WHEREAS, the Board desires the Subdivision Ordinance state the purpose for a

subdivision construction plan and include that the plan shall be in compliance with the

approved preliminary subdivision plan; and

WHEREAS, the Planning Department policy has always been to compare the

subdivision construction plan to the approved preliminary subdivision plan and determine

if a new preliminary subdivision is required; and

WHEREAS, the Board desires the Subdivision Ordinance to be consistent with

department policies; and

WHEREAS, the Board has carefully considered the recommendation of the

Planning Commission and staff and the testimony at the public hearing; and

WHEREAS, the Board finds that public necessity, convenience, general welfare,

or good subdivision practice requires adoption of such an ordinance;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 5th day of December, 2006, that the Stafford County Code be and it hereby is amended and reordained by amending Section 22-76, Submission of Plans, of the Subdivision Ordinance, as follows with all other portions remaining unchanged:

Sec. 22-76 Submission of plans.

Purpose. Construction plans show the proposed improvements and construction of the public roads and facilities of an approved preliminary subdivision plan, or a single section if the subdivision development is phased. The improvements and construction measures shown on the construction plans shall include, but not be limited to water supply and sewage disposal, streets, drainage, soil erosion and sediment control and stormwater management plans, and specifications as required by the Stafford County Code. The construction plan shall be in compliance with the approved preliminary plan except for allowable technical changes as described in Section 22-67.

- (a)Following notification of the planning commission's action approval on the preliminary plan, and prior to, or simultaneously with, the application for final plat approval, the subdivider shall submit to the agent one reproducible plus eight (8) blue and black line prints of the plans, profiles, and specifications an application for approval of construction plans on standard forms provided by the department of planning and community development. for all improvements and construction measures for the entire subdivision, including but not limited to water supply and sewage disposal, streets, drainage, soil erosion and sediment control and stormwater management plans, and specifications as required by the Stafford County Code. The prints shall be submitted prior to, or concurrent with, submission of a final plat for an entire subdivision or for a single section if the subdivision development is phased.
- (e) Following notification of the planning commission's action on a private access easement and prior to or simultaneously with the application for final plat approval, the subdivider shall submit construction plans for all roadway improvements and

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construction measures for the entire length of road in accordance with section 22-176 of this chapter. Said plans shall be reviewed and approved by the agent in accordance with this chapter prior to recordation of a final plat.

Public Services; Grant a Right-of-Way to Dominion Virginia Power for the Public Safety Building at 1225 Courthouse Road. The County Administrator commented.

The Chairman opened a public hearing.

No one desired to speak.

The Chairman closed the public hearing.

Mr. Milde motioned, seconded by Mr. Dudenhefer, to adopt proposed Resolution R06-496.

The Voting Board tally was:

Yea: (7) Milde, Schwartz, Brito, Cavalier, Dudenhefer, Fields, Gibbons

Nay: (0)

Resolution R06-496 reads as follows:

A RESOLUTION TO AUTHORIZE THE EXECUTION OF AN EASEMENT AGREEMENT WITH DOMINION VIRGINIA POWER

WHEREAS, the new Public Safety Building will be approximately 114,000 square feet and will house the Sheriff's Office, administrative offices for the Department of Fire, Rescue, and Emergency Services, and the 9-1-1 Communications Center and Emergency Operations Center; and

WHEREAS, Dominion Virginia Power has requested an easement across County property located on the left side of the public entrance and parking lot to the Public

Safety Building and will be approximately 385' long and 15' wide from the front of the property to the transformer; and

WHEREAS, Dominion Virginia Power has requested that the Board execute an Easement and Underground Service Agreements to allow the extension of these power lines; and

WHEREAS, the Board has carefully considered the recommendation of Staff and the testimony received at the public hearing;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 5th day of December, 2006, that the County Administrator be and he hereby is authorized to execute the easement and the Underground Service Agreement for the new Public Safety Building complex located at 1225 Courthouse Road, Stafford, Virginia.

Finance; Authorize Purchase of Replacement Pumper for Falmouth Volunteer Fire

Department, Consider Lease-Financing of Pumper Truck, and Amend the Budget for the

Financing and Acquisition. Mr. Anthony Romanello, Deputy County Administrator,
gave a presentation.

The Chairman opened a public hearing.

No one desired to speak.

The Chairman closed the public hearing.

Mr. Fields motioned, seconded by Mr. Dudenhefer, to adopt proposed Resolution R06-484.

Discussion ensued.

The Voting Board tally was:

Yea: (7) Schwartz, Brito, Cavalier, Dudenhefer, Fields, Gibbons, Milde

Nay: (0)

Resolution R06-484 reads as follows:

A RESOLUTION TO AUTHORIZE LEASE-PURCHASE FINANCING
FOR THE ACQUISITION OF CERTAIN FIRE AND RESCUE EQUIPMENT
AND TO BUDGET AND APPROPRIATE THE PROCEEDS FROM SUCH
FINANCING

WHEREAS, the Board of Supervisors (the "Board") of Stafford County, Virginia (the "County") has determined that it is necessary and advisable to purchase certain fire and rescue equipment, consisting of one (1) pumper truck for the County (the "Fire and Rescue Equipment") in the maximum principal amount of \$429,593; and

WHEREAS, partial funding for the Fire and Rescue Equipment is to be provided by the remainder of insurance proceeds from the equipment being replaced in the amount of \$21,511; and

WHEREAS, the Board of Supervisors (the "Board") of Stafford County, Virginia (the "County") has determined that it is necessary and advisable to finance, on a tax-exempt or taxable basis, the balance of the cost of the Fire and Rescue Equipment in the maximum principal amount of \$408,082; and

WHEREAS, the Fire and Rescue Equipment will be used by various volunteer fire and rescue organizations in the County; and

WHEREAS, pursuant to Section 147(f) of the Internal Revenue Code of 1986, as amended, the Board held a public hearing on December 5, 2006 on the proposed lease financing by the County of the Fire and Rescue Equipment;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Stafford County, Virginia:

- 1. Acceptance of Proposal Authorization and Execution of Documents. The County Administrator, or such officer as he may designate, is authorized and directed to accept a proposal to provide financing, on a tax-exempt or taxable basis, for the Fire and Rescue Equipment that the County Administrator or his designee determines to be in the County's best interest, in the aggregate principal amount not to exceed \$429,593. The County Administrator and the Chairman of the Board, or either of them, or such officers as either of them may designate are authorized to execute and deliver on behalf of the County an appendix under the Master Agreement or other similar financing agreement and to execute and deliver such instruments, agreements, documents or certificates, and to do and perform such things and acts, as they shall deem necessary or appropriate to carry out the transactions authorized by this Resolution; and all of the foregoing, previously done or performed by such officers or agents of the County, are in all respects approved, ratified and confirmed.
- 2. Nature of Obligations The obligation of the County to make payments under the Master Agreement or similar financing agreement will be subject to appropriation each year by the Board. Nothing in this Resolution, the Master Agreement or similar financing agreement shall constitute a debt or a pledge of the faith and credit of the County.

BE IT FURTHER RESOLVED:

1. Amendment to General Capital Project Fund Budget. The County's Budget is amended as follows:

\$429,593 shall be added to the Budget to pay for certain Fire and Rescue Equipment, consisting of one (1) pumper truck.

Payment is hereby authorized.

2. Authorization of Appropriation.

The County appropriates the lease financing of the Fire and Rescue Equipment as follows:

\$429,593 to the General Capital Projects Fund to pay for the Fire and Rescue Equipment.

3. Effective Date. This Resolution shall take effect immediately.

Adjournment. At 8:45 P. M., the Cl	hairman declared the meeting adjourned.
Steve Crosby	Robert C. Gibbons
County Administrator	Chairman